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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,774	02/25/2002	Gregory P. Fitzpatrick	BOC9-2001-0002 (238)	4419
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AKERMAN SENTERFITT P. O. BOX 3188 WEST PALM BEACH, FL 33402-3188			EXAMINER BRINEY III, WALTER F	
			ART UNIT 2615	PAPER NUMBER

DATE MAILED: 04/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/082,774	Applicant(s) FITZPATRICK ET AL.	
	Examiner Walter F. Briney III	Art Unit 2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

The affidavits filed on 27 February 2006 under 37 CFR 1.131 are sufficient to overcome the Hayashi et al. (US Patent Application Publication 2002/0061099) reference.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

- 1** **Claims 1, 2, 5-12 and 15-20 are rejected under 35 U.S.C. 102(e) as being anticipated by O'Neal et al. (US Patent 6,263,064).**

Claim 1 is limited to "a method of message delivery." O'Neal discloses a centralized communication control center for visually and audibly updating communication options associated with communication services of a unified messaging system and methods therefor. See Abstract. Several of those options are illustrated in figure 3 and described starting in column 11, line 51. The act of selecting any one of options 304, 308, 312, 316, 319 and 321 corresponds to "registering a plurality of reception states for a receiving party." All the options provide conditions communications links with receiving party addresses, e.g. call forwarding provides the

ability to connect to many different telephone addresses associated with a receiving party. Further, at least the paging option 321 enables callers to be prompted with the option of sending a page, i.e. "establishing communications links with receiving party addresses via at least one alternate communication channel different from a communication channel associated with a first initiated communications link between a sending party and the receiving party." See column 13, line 61, through column 14, line 17. The message alert option 316 allows messages to be forwarded to alternate communication channels as well, such as e-mail. See column 13, lines 18-39.

In operation, the system of O'Neal "identifies a receiving party address from the first initiated communication link" in accordance with steps 502 and 504 of figure 5. See column 15, lines 14-36. The system then "determines reception state data specified by said plurality of reception states according to said receiving party address" in accordance with step 506. See column 15, lines 31-44. The system then "presents said reception state data to the sending party" in accordance with steps 506-516. For example, when paging is enabled, a user will be prompted to send a message. See column 13, line 61, through page 14, line 10. Therefore, O'Neal anticipates all limitations of the claim.

Claim 2 is limited in part to "the method of claim 1," as covered by O'Neal. It follows from "presenting said reception state data to the sending party" that "a response from the sending party specifying further instructions for processing said first initiated communications link" will be received in accordance with, for example, paging an

absent subscriber or selecting to use any other enabled feature. See column 14, lines 1-10. Therefore, O'Neal anticipates all limitations of the claim.

Claim 5 is limited in part to "the method of claim 1," as covered by O'Neal. It is understood that if a dialed subscriber picks up after being dialed "said first communications link will be completed." Therefore, O'Neal anticipates all limitations of the claim.

Claim 6 is limited in part to "the method of claim 1," as covered by O'Neal. It is understood that if a calling party hangs up before or after a call completion, "said first communications link will be terminated." Therefore, O'Neal anticipates all limitations of the claim.

Claim 7 is limited in part to "the method of claim 6," as covered by O'Neal. O'Neal discloses call forwarding and follow me service, which enable "initiating a second communications link to a different receiving party address using the same communications channel as said first initiated communication link" where the first link is a telephone call and the caller chooses to try and contact the receiving party. See column 12, lines 30-49. Therefore, O'Neal anticipates all limitations of the claim.

Claim 8 is limited in part to "the method of claim 6," as covered by O'Neal. O'Neal discloses sending pages or message alerts, which enable "initiating a second communications link using a communications channel different from the communications channel of said first initiated communications link." For example, a caller can send a page. See column 13, line 61, through column 14, line 10. Therefore, O'Neal anticipates all limitations of the claim.

Claim 9 is limited in part to "the method of claim 1," as covered by O'Neal. O'Neal clearly provides the ability to handle multiple occurrences of a calling party dialing a subscriber to the unified messaging system, such that O'Neal discloses "detecting at least one additional initiated communications link from subsequent sending parties; and presenting said reception state data to selected ones of said subsequent sending parties." Therefore, O'Neal anticipates all limitations of the claim.

Claim 10 is limited in part to "the method of claim 1," as covered by O'Neal. As stated in claim 9, the system of O'Neal doesn't block a receiving party or sending party from connecting with a third party at some other time and presenting reception state data thereto. If a third party calls a subscriber, the third party will receive reception state data. Therefore, O'Neal anticipates all limitations of the claim.

Claims 11, 12, and 15-20 are each directed toward a machine-readable storage with a program that executes method that are essentially the same as those recited in claims 1, 2, and 5-10, as covered by O'Neal. The system disclosed by O'Neal is computerized. See figure 2 and column 7, line 12, through column 9, line 67. Therefore, O'Neal anticipates all limitations of the claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2 **Claims 3, 4, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neal in view of Adams et al. (US Patent 6,631,186).**

Claim 3 is limited in part to "the method of claim 1," as covered by O'Neal.

O'Neal simply does not disclose "identifying a sending party address and determining contextually relevant reception state data according to said identified sending party address and said receiving party address." However, this deficiency is overcome by an obvious modification.

Adams teaches a system and method for implementing and accessing call forwarding services. See Abstract. In general, a subscriber is enabled to control their call forwarding system in accordance with updated personal settings. One such setting is a priority screening list. See column 6, line 49 through column 7, line 9. The priority screening list contains numbers of caller numbers that will not be forwarded to a subscriber's registered forwarding telephone number. While neither O'Neal nor Adams discusses the advantages of call screening, the name given by Adams alone describes its utility. Specifically, priority screening means that only a caller of certain "high" priority will be able to contact a subscriber away from their primary number. Such an arrangement prevents telemarketers or other nuisance callers from disturbing a subscriber through forwarding from their primary number, in fact, some prior art systems that implement embodiments similar to the system of Adams are referred to as nuisance call blockers/screeners.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate provisions for caller number identification as taught by Adams

for the purpose of reducing the volume of forwarded telephone numbers, which also results in a reduction of disturbance to a user from unsolicited or nuisance calls.

Claim 4 is limited in part to "the method of claim 3," as covered by O'Neal in view of Adams. The data presented to the caller is based on the type of channel used, as it makes little sense to perform call forwarding in response to a page or email, and the time a communications link is opened as a subscriber can change his/her options anytime. Therefore, O'Neal in view of Adams makes obvious all limitations of the claim.

Claims 13 and 14 are each directed toward a machine-readable storage with a program that executes method that are essentially the same as those recited in claims 3 and 4, as covered by O'Neal. The system disclosed by O'Neal is computerized. See figure 2 and column 7, line 12, through column 9, line 67. Therefore, O'Neal anticipates all limitations of the claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Walter F. Briney III whose telephone number is 571-272-7513. The examiner can normally be reached on M-F 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2615

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



SINH TRAN
SUPERVISORY PATENT EXAMINER

WFB